UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,299	07/01/2004	Lisa Wu		4298

37754 7590 04/05/2007			EXAMINER
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ART UNIT	PAPER NUMBER
2168	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	**Applicant(s)**
Office Action Summary	10/710,299	WU, LISA
	Examiner	**Art Unit**	
	Aaron J. Sanders	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 February 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

.DETAILED ACTION

Response to Amendment

This Office action has been issued in response to amendment filed 26 February 2007.

Claims 1-9 are pending. Applicant's arguments have been carefully and respectfully considered, and some are persuasive, while others are not. Accordingly, objections and rejections have been removed where arguments were persuasive, but rejections have been maintained where arguments were not persuasive. Accordingly, claims 1-9 are rejected, and this action has been made FINAL, as necessitated by amendment.

Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them. A "Table of Response" is not proper form. Rather, the arguments should be in paragraph form and refer to specific limitations or rejections/objections of the claims.

Claim Objections

As per claims 1, 4, and 7, the phrase "creating dynamic API" appears to be grammatically incorrect. It should read, "creating a dynamic API".

Claim Rejections - 35 USC § 112 First Paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2, 5, and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claims contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventors, at the time the application was filed, had possession of the claimed

invention.

Claims 2, 5, and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the enablement requirement. The claims contains subject matter which was not described in

the specification in such a way as to enable one skilled in the art to which it pertains, or with

which it is most nearly connected, to make and/or use the invention. Specifically, "a pair of

dynamic accessor and mutator" is not defined in the specification or the instant claims.

Claim Rejections - 35 USC § 112 Second Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

Claims 1, 4, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 1, 4, and 7 recite the limitation "the relationships of said structured data tables".

There is insufficient antecedent basis for this limitation in the claims because no "relationships"

have been defined.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-9 are directed to a method/system/computer program product for building a native XML object database. The claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomena) since it fails to produce a useful and tangible result.

Specifically, the claimed subject matter does not produce a useful result because the claimed subject matter fails to sufficiently reflect at least one practical utility set forth in the descriptive portion of the specification. More specifically, while the described practical utility (utilities) is (are) directed to building a native XML object database, the claimed subject matter relates ONLY to creating files and directories that map the relationships of said structured data tables.

Further, the claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulation of data. More specifically, the claimed subject matter provides for creating files and directories. This produced result remains in the abstract because it is not clear where the files are created and whether or not they are output to another system or to a user. Thus, the result fails to achieve the required status of having real world value.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Chau et al., U.S.

P.G. Pub. 2002/0133484.

As per claims 1-9, Chau et al. teach:

1. A method of building a native XML object database, comprising steps of: creating

dynamic API to manipulate structured data tables; creating files and directories that map the

relationships of said structured data tables (See e.g. [0075], "A user can decide how structured

XML documents are to be stored or created through a Document Access Definition (DAD)" and

[0076], "The DAD associates XML documents to a database through two major access and

storage techniques by defining elements Xcolumn and Xcollection" where, see [0134], a "user

defines a DAD. With the help of a Graphical User Interface (GUI) tool, the user can create a

DAD to define a mapping and indexing scheme").

2. The method according to claim 1, wherein the API creating step further comprises the

step of creating a pair of dynamic accessor and mutator for each column of said structured data

tables (See e.g. [0076], "The DAD associates XML documents to a database through two major

access and storage techniques by defining elements Xcolumn and Xcollection. Xcolumn defines

how to store and retrieve entire XML documents as column data of the XML user defined type

(UDT)" and [0080], "An Xcollection defines how to decompose XML documents into a

collection of relational tables or to compose XML documents from a collection of relational

tables An XML collection is a virtual name of a set of relational tables").

3. The method according to claim 1, wherein the file creating step further comprises the

step of creating one native XML file to store each row of said structured data tables (See e.g.

[0077], "In particular, an XML column is used to store entire XML documents in the native

XML format" where, see [0078], "The XML System provides several user defined types (UDTs)

for XML columns. These data types are used to identify the storage types of XML documents in

the application table. The XML System supports legacy flat files").

4. A system for building a native XML object database, comprising means for: creating

dynamic API to manipulate structured data tables; creating files and directories that map the

relationships of said structured data tables (See e.g. [0075], "A user can decide how structured

XML documents are to be stored or created through a Document Access Definition (DAD)" and

[0076], "The DAD associates XML documents to a database through two major access and

storage techniques by defining elements Xcolumn and Xcollection" where, see [0134], a "user

defines a DAD. With the help of a Graphical User Interface (GUI) tool, the user can create a

DAD to define a mapping and indexing scheme").

5. The system according to claim 4, wherein the means for creating API further

comprises means for creating a pair of dynamic accessor and mutator for each column of said

structured data tables (See e.g. [0076], "The DAD associates XML documents to a database

through two major access and storage techniques by defining elements Xcolumn and

Xcollection. Xcolumn defines how to store and retrieve entire XML documents as column data

of the XML user defined type (UDT)" and [0080], "An Xcollection defines how to decompose

XML documents into a collection of relational tables or to compose XML documents from a

collection of relational tables An XML collection is a virtual name of a set of relational tables").

6. The system according to claim 4, wherein the means for creating file further comprises

means for creating one native XML file to store each row of said structured data tables (See e.g.

[0077], "In particular, an XML column is used to store entire XML documents in the native

XML format" where, see [0078], "The XML System provides several user defined types (UDTs)

for XML columns. These data types are used to identify the storage types of XML documents in

the application table. The XML System supports legacy flat files").

7. A computer program product for building a native XML object database, the computer

program product embodied on one or more computer-readable media and comprising computer-

readable program code means for: creating dynamic API to manipulate structured data tables;

creating files and directories that map the relationships of said structured data tables (See e.g.

[0075], "A user can decide how structured XML documents are to be stored or created through a

Document Access Definition (DAD)" and [0076], "The DAD associates XML documents to a

database through two major access and storage techniques by defining elements Xcolumn and

Xcollection" where, see [0134], a "user defines a DAD. With the help of a Graphical User

Interface (GUI) tool, the user can create a DAD to define a mapping and indexing scheme").

8. The computer program product according to claim 7, wherein the means for creating

API further comprises means for creating a pair of dynamic accessor and mutator for each

column of said structured data tables (See e.g. [0076], "The DAD associates XML documents to

a database through two major access and storage techniques by defining elements Xcolumn and

Xcollection. Xcolumn defines how to store and retrieve entire XML documents as column data

of the XML user defined type (UDT)" and [0080], "An Xcollection defines how to decompose

XML documents into a collection of relational tables or to compose XML documents from a

collection of relational tables An XML collection is a virtual name of a set of relational tables").

9. The computer program product according to claim 7, wherein the means for creating

file further comprises means for creating one native XML file to store each row of said

structured data tables (See e.g. [0077], "In particular, an XML column is used to store entire

XML documents in the native XML format" where, see [0078], "The XML System provides

several user defined types (UDTs) for XML columns. These data types are used to identify the

storage types of XML documents in the application table. The XML System supports legacy flat

files").

10-18. (Canceled)

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in

view of the new grounds of rejection.

As per Applicant's argument that the API is dynamic in that it varies with column/field

name, the Examiner respectfully asserts that the specification does not define "dynamic" as such.

"Dynamic" has a broad definition in the art and it is not clear from the specification that

Applicant defines the term as currently argued.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Mullins et al., U.S. P.A. Pub. 2003/0208505; Manikutty et al., U.S. Pat. 6,836,778;

Pal et al., U.S. P.A. Pub. 2005/0091231; and Zhou et al., U.S. P.A. Pub. 2005/0138052.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Aaron J. Sanders whose telephone number is 571-270-1016. The

examiner can normally be reached on M-Th 8:00a-5:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vo Tim can be reached on 571-272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AJS

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